

# Notice of Allowability

Application No.

10/791,436

Examiner

Troy Chambers

Applicant(s)

TIBERIUS ET AL.

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's telephonic amendment 11/01/04.
2. ☒ The allowed claim(s) is/are \_\_\_\_\_.
3. ☒ The drawings filed on 02 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jack Pate on 11/01/04.

The application has been amended as follows:

- Amend claim 28 to read:

28. A gun comprising:

a frame;

a plurality of spherical projectiles, each formed as a spherical shell filled with at least one of a liquid, gelatinous substance, and powder;

a magazine selectively securing to the frame and comprising a projectile store having an interior cavity containing the plurality of spherical projectiles, a retainer preventing the release of the plurality of spherical projectiles when the magazine is unattached to the frame, and a propellant reservoir containing propellant and having a seal maintaining the propellant reservoir sealed against the loss of propellant when the magazine is unattached to the frame;

a barrel secured to the frame;

an action secured to the frame to control feeding of the plurality of spherical projectiles and propellant to the barrel; and,  
the magazine, wherein the propellant reservoir is a canister containing carbon dioxide compressed to a saturated liquid.

- Amend claim 36 to read:

36. A gun comprising:

a frame;

a barrel secured to the frame;

a magazine releasably secured to the frame and comprising a chute, propellant reservoir, and reservoir valve, the chute containing the plurality of projectiles each formed as a spherical shell filled with one of a liquid, gelatinous substance, and powder, the reservoir valve resisting the release of a propellant contained within the propellant reservoir when the magazine is not secured to the frame;

an action controlling feeding of the plurality of projectiles and propellant into the barrel; and,

the magazine, wherein the propellant reservoir is a canister containing carbon dioxide compressed to a saturated liquid.

- Amend claim 38 to read:

38. The gun of claim 36, wherein the frame includes a handle oriented generally perpendicularly with respect to the barrel.

- Cancel claim 37

2. The following is an examiner's statement of reasons for allowance: Claims 28 and 36 have been amended to include allowable subject matter of claim 37..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is 703-308-5870. The examiner can normally be reached on 8 a.m. - 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Troy Chambers  
Examiner  
Art Unit 3641

  
TERI P. LUU  
SUPERVISORY PRIMARY EXAMINER

TC